

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Jenkins, Jimmy J.)
Serial No.: 10/642,464) Examiner: LIM, Krisna
Filing Date: August 15, 2003) Art Unit: 2453
Attorney Docket: 052677.0005) Confirmation No.: 2168
For: Method and Apparatus for)
Dynamic Programming Across)
A Computer Network)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR PATENT TERM ADJUSTMENT DETERMINATION
PURSUANT TO 37 CFR § 1.705

Applicant requests a patent term adjustment determination for the above captioned application. The fee set forth in 37 CFR §1.18(e) has been included with this submission.

Statement of Facts

a) Correct Term and Basis For Adjustment

Applicant believes the correct patent term adjustment to be 1,815 days as opposed to the 552 days calculated by the USPTO. Applicant believes the USPTO failed to consider a term adjustment based on 35 USC § 154(b)(1)(B) during its calculation and only considered a term adjustment based on 35 USC § 154(b)(1)(A).

b) Relevant Dates

The Application was filed on 08/15/2003 and the first substantive office action was not mailed until 04/20/2006. Based on the 14 month rule, this is 552 days beyond October 15, 2004 (14 months from the filing date).

The Notice of Allowance issued on January 29, 2010 which is 1,263 days past the three year anniversary (08/15/2006) of the filing date of the application. Applicant believes there were no Applicant delays incurred during the prosecution of the application that would reduce the 1,263 day calculation.

Moreover, under Wyeth, the 552 day calculation based on the 14 month rule of 35 USC § 154(b)(1)(A) does not overlap at all with the 1,263 day calculation based on the 3 year rule of 35 USC § 154(b)(1)(B). Thus, the patent term adjustment should add up to 1,815 days rather than the 552 days sent with the Notice of Allowance.

c) Terminal Disclaimer

The patent to issue from this application is not subject to a terminal disclaimer.

Respectfully submitted,

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